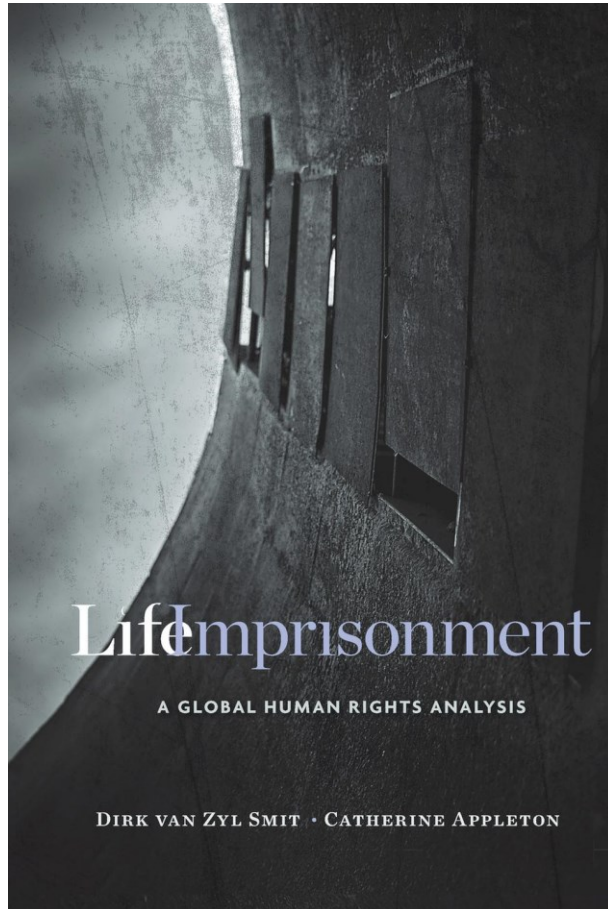


# Penal theory, personal ethics, and the life sentence in empirical perspective

Ben Jarman. 2020. 'Only One Way to Swim? The Offence and the Life Course in Accounts of Adaptation to Life Imprisonment'. *The British Journal of Criminology* 60 (6): 1460–79. <https://doi.org/10/ggs23w>.

# Life imprisonment globally



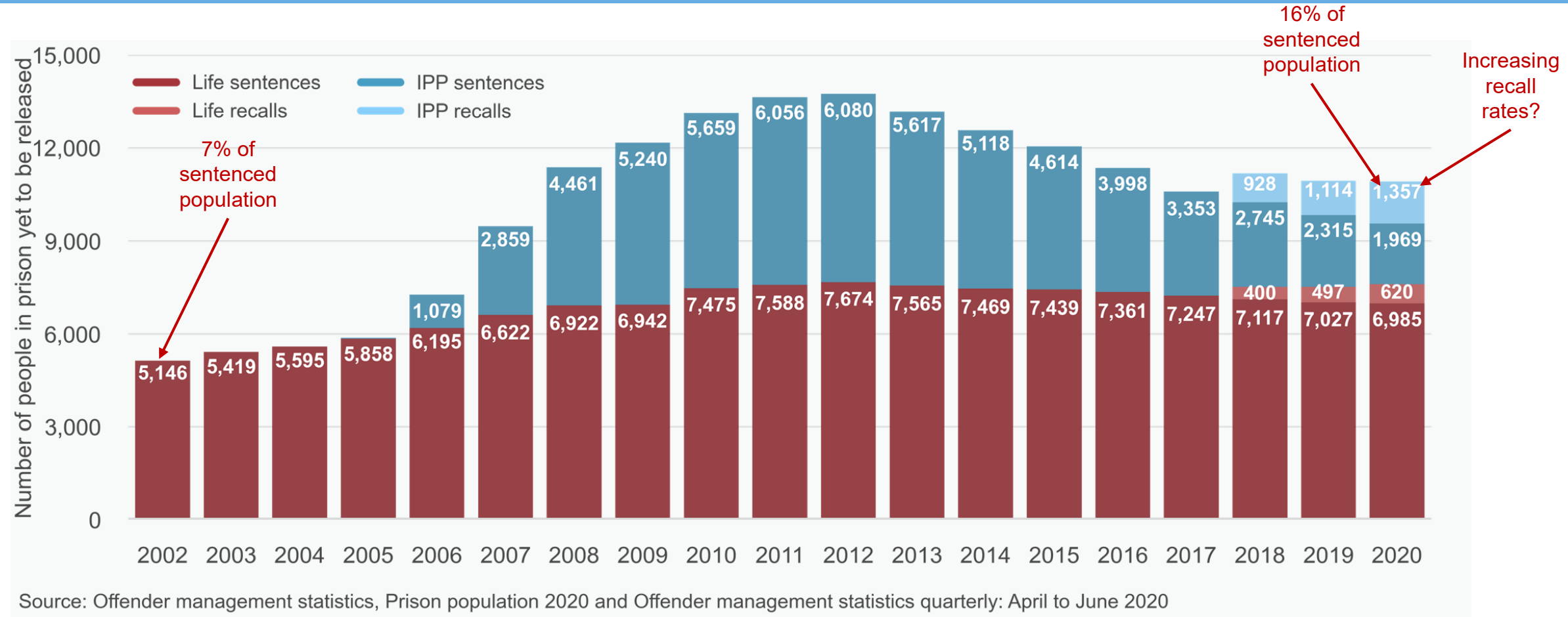
479,000 people serving life sentences in 2014

Life imprisonment: “A sentence following a criminal conviction, which gives the state the power to detain a person in prison for life, that is, until they die there.”

(van Zyl Smit & Appleton 2019)

# The growth of indeterminate sentences

(Prison Reform Trust, 2021: 31)



# Indeterminate imprisonment in England & Wales – key facts

(Prison Reform Trust, 2021: 11, 29-30)

## Average minimum term ('tariff') for murder (new sentences)

2003:	12.5 years
2016:	21.3 years

## Average time actually served by mandatory lifers at first release

2001:	13 years
2020:	18 years

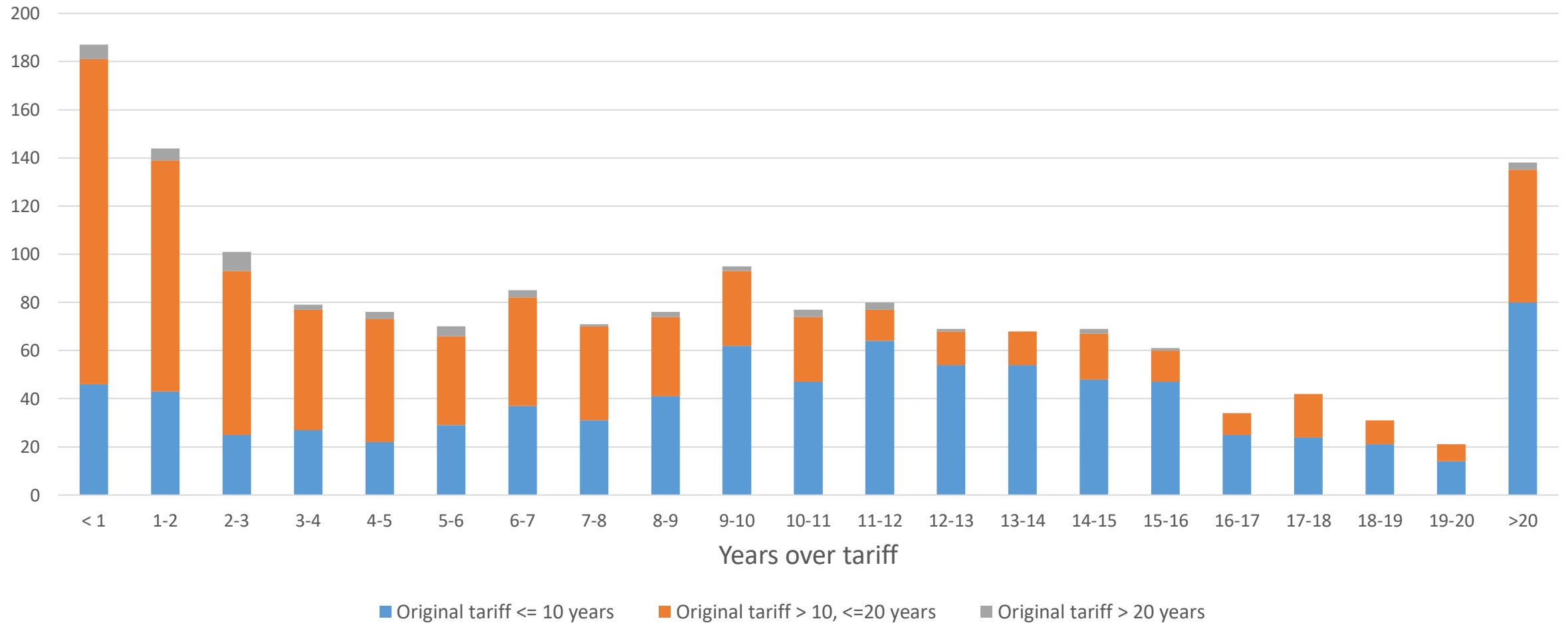
## Lifers as % of sentenced prison population, 2018

• UK:	10.5%
• USA:	9.5%



# Over-tariff lifer population (n = 1,674)

(Hansard, 2020)



# Gaps in knowledge on long-term imprisonment

‘[L]ife-course and criminal career research has largely failed to document psychological, social, and behavioural changes that occur during periods of incarceration. This oversight is particularly noteworthy in the case of individuals serving long sentences, as they spend a significant portion of the life course behind bars.’

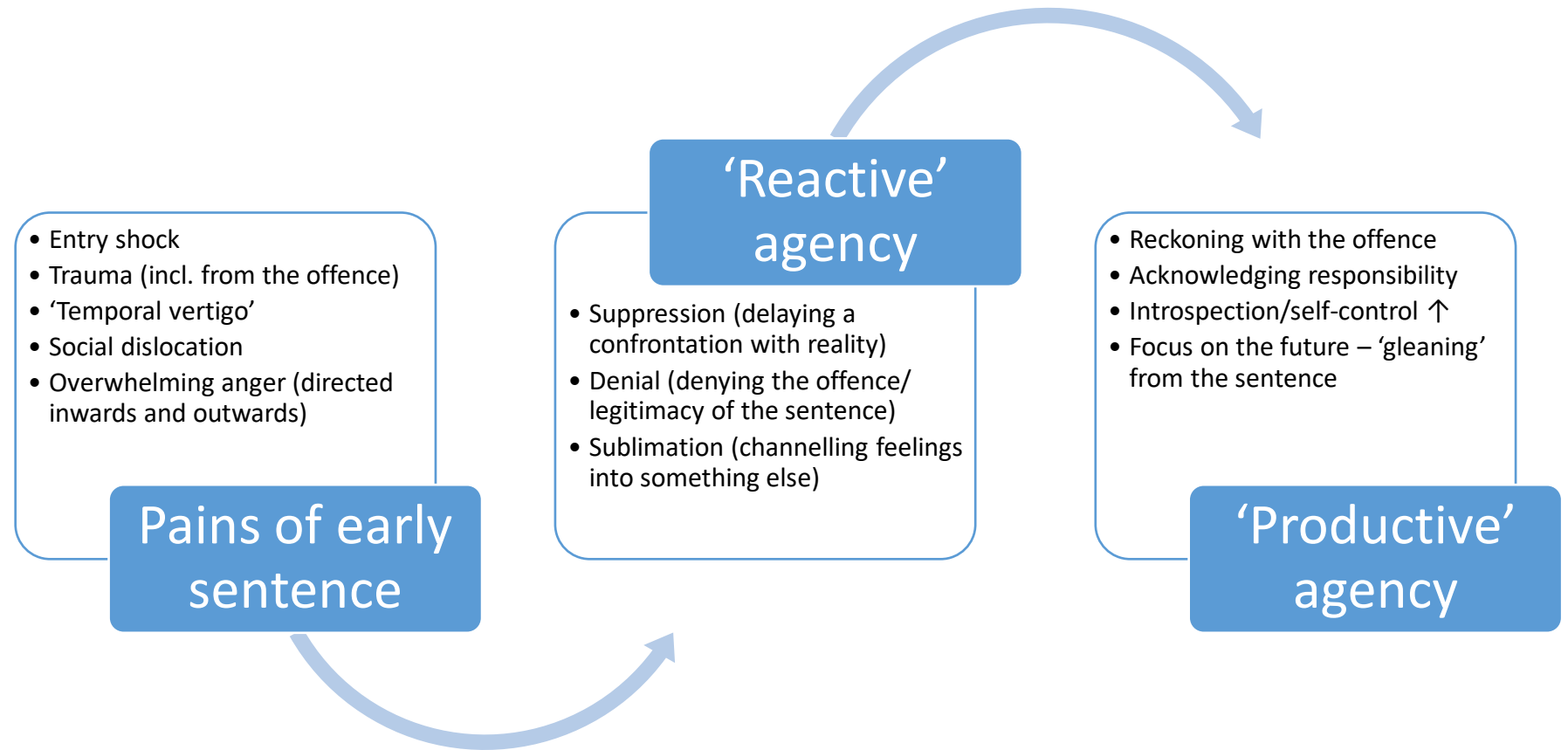
(Kazemian & Travis, 2015: 355)



# Adapting to long-term imprisonment in young adulthood

(Crewe, Hulley & Wright 2017; Wright, Crewe & Hulley 2017)

- 310 men and 23 women in England & Wales
- Sentenced to life for murder
- Conviction at  $\leq 25$ , tariffs  $\geq 15$  years



# 3 common findings

## Widespread adaptation process

(Crewe, Hulley & Wright 2020; cf. Johnson and Dobrzanska 2005:9; Irwin 2009:66; Liem 2016:99–103; Herbert 2019:28; Kazemian 2019:92–104)

- Focus on past → focus on present/future
- Reactivity → productivity

## ‘Easy to keep’

(Herbert 2019; cf. Appleton 2010; Cunningham and Sorensen 2006; Johnson and Dobrzanska 2005; Liem 2016; Schinkel 2014b; Sorensen and Reidy 2019)

- Self-controlled, strategic, compliant
- Incentives / desire for a quiet life?

## Introspection and moral reflection

(e.g. Schinkel 2014, Irwin 2009; cf. Crewe and Levins 2019; Irwin 2009; Liem 2016; O’Donnell 2014; Schinkel 2014a; Williams 2018)

- Time to think
- Prison routines (social → solitude → social ...)
- Gravity of the offence





# Research questions

How do men respond ethically to being convicted of murder and to serving the mandatory life sentence?



How do they respond to the moral messages received, via conviction and punishment, about the offence of murder and their own conduct?



How do their personal ethical priorities interact with the demand to self-govern and 'reduce risk'?



What are their experiences of hope and meaning, and how do these alter the experience of punishment?



# The research

(see Jarman: 2020 on the pilot study)

## Sites: 3 male prisons in England

Two category B in Long-Term and High Security Estate

One category D (open) resettlement prison



## Sample: 66 mandatory life-sentenced prisoners (*i.e. index offence = murder*)

Varied sentence stages:  
median 56%, min 7%, max 250% of tariff

Age at conviction:  
median 30, min 16, max 74

Tariffs:  
median 17.5 yrs, min 8, max 30

Varied offence circumstances



## Data: Semi-structured interviews and notes on prison records (n=44)

Life before prison

Events leading to conviction

Prison life

Rehabilitative provision

Labels e.g. 'risk', 'murderer',  
'criminal'



# The ethical lens

*“The claim on which the anthropology of ethics rests is **not an evaluative claim** that people are good: it is **a descriptive claim** that they are evaluative.” (Laidlaw 2014:3)*



# Overview of findings

The sentence  
and the life  
course

The offence  
and moral  
communication

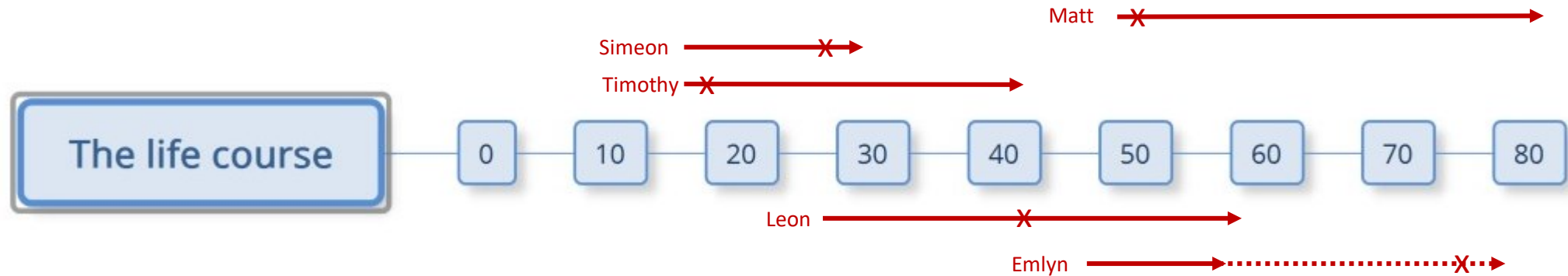
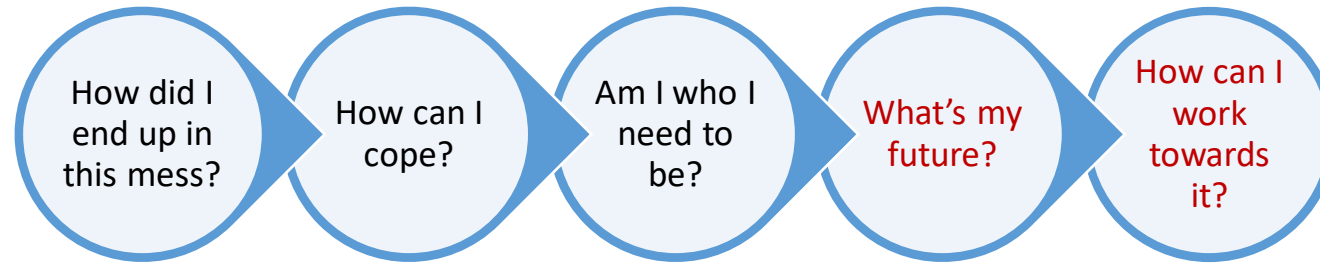
Concluding  
reflections



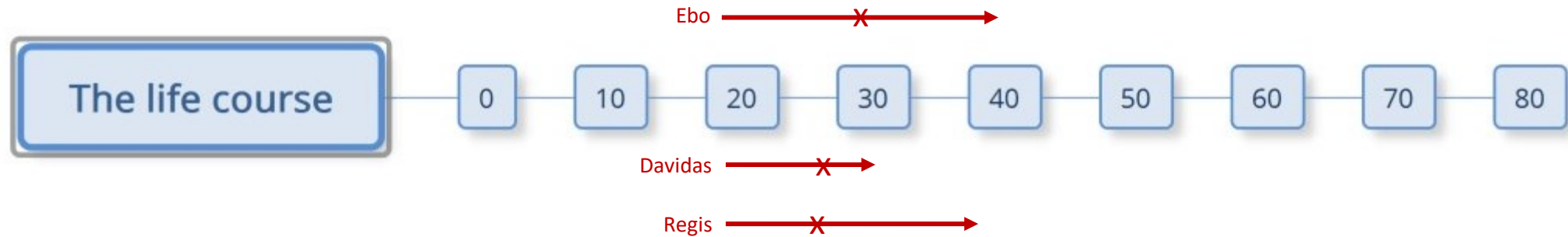
# Ethics, the sentence and the life course



# Ethics, the sentence and the life course



# Convicted in childhood and young adulthood



[Working here has] completely changed the way I interact with staff [...] **I didn't want to. I didn't like it.** But [staff member] said: "listen [...] you're going to have to interact with people outside your social circle." **He was right, you know.**

(Regis)

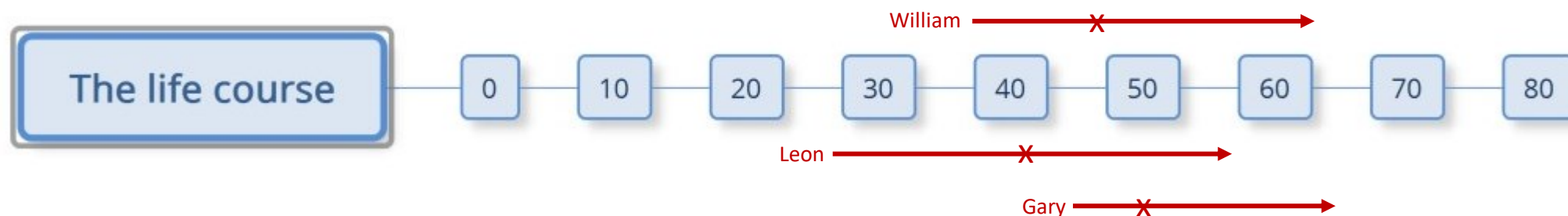
Putting plastic pipes in boxes? **What are you learning from that?** [They could] do things in there that are going to give these guys skills [...] **I've been here six, seven years now, I could've learnt something. I've learnt nothing.**

(Ebo)

I know I can **be an awesome dad.** I know I can **work hard** for what I believe in, I know I can help people. I just want someone to love, you know?

(Davidas)

# Convicted in mature adulthood



Sixty-three isn't that old, but when you've been inside for murder...  
What job am I going to be able to get? "Oh, what skills you got?"  
"Well, I'm handy with a knife..."  
Sorry—I joke cos it's hard to think about it.

(Gary)

This sentence is so big, it's really hard to see the point of changing [...] I mean, when I have low days [...] I feel that I'm a disappointment or a burden to my family. That's what really gets me down.

(William)

I just like to keep fit, obviously, gives me peace of mind, innit, obviously that's the plan, to go out and be in tiptop shape. So me, I can enjoy what little time I got left on the earth, innit?

(Leon)

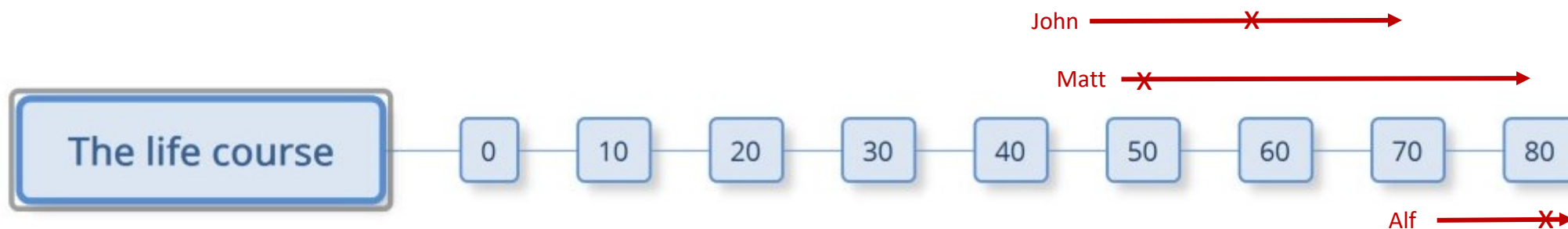
Kicking back, doing a bit of writing, and a bit of cooking. If I got a bird, she comes home, the dinner's ready for her and shit like that. Just chilling, innit, just living life, going for walks [...] Just that simple life [...] You don't need to be, obviously, that much prepared for that.

(Leon)





# Convicted when older



Listen, if you're twenty years old [in] the prime of your life, and you got a big bird [i.e. sentence], [of] course you're upset—you got a pretty girlfriend outside and a young kid... [But] crying about it, bitching about it, getting angry about it... that's not helping [...] [They could make it] so much easier on themselves [...] But **that's age and experience talking** isn't it?

(Matt)

If you've spent most of your life hating your father, because you thought **he was a real bad person**, and then [...] years down the road [...] you suddenly come to the conclusion that **you're worse than [him]** – trust me, that's a change.

(John)

Oh yes, I'll just be going [home]. We let the house. It's bringing in quite a lot of money. I'll live with [family] until I can get things sorted a bit [...] I'm **just wasting my time here, really. But it's beneficial in that [I can] keep fit.** I haven't got a cross trainer at home. I shall have to get one.

(Alf)



# Ethics and the 'stain' of the offence

Describing "the ways in which prisoners feel psychologically and morally contaminated" (levins 2017:114)

I was proper deluded. I thought, "yeah, I'm going to be this big-time drug dealer, I'm going to have all these women, and a fat mansion, and I'm going to be a rap star." [...] My whole lifestyle and motivation was just money, money, money. But money's not everything. (Regis)

'Washable' stain

Wider criminality

Childhood adversity, social exclusion, immaturity

Victim unknown and/or male

Any degree of provocation

ETS, a load of shit. It's just common sense [...] FOCUS, look: I never drank or did drugs anyway, I sold drugs. A waste of the taxpayer's money [...] And SCP was a good course, because it really let me look back at myself. That was a good course, I won't disrespect that. Because it lets you look back, it lets you see your pattern of offending.  
(Andy)



# The 'stain' of the offence

## 'Indelible' stain

I feel that I am evil [...] I didn't want to take his life, but... I stabbed him [...] I couldn't stop. That's all I remember. I just couldn't stop. It wouldn't let me [...] **Anger sort of takes me away from myself.** (Gary)

"The worst experience [was] having to declare the sexual element [of the offence] in front of other prisoners [on the course.] **It follows you through word of mouth** [...] Even if [people] don't know you and have never spoken to you before in their life, they will comment about it" (Derek)

Any offence involving a child

Any suggestion of a sexual motive

Victim known and/or female and/or vulnerable

Unprovoked or uncontrolled violence

[Therapy] enabled me to see [how] those childhood events and traumas had shaped [who I was] when I committed my offence [...] and actually say, "Yes, that person that's on there that you're reading out is really horrible. **That's not a nice person.**" It's then really hard to then turn around and say, "**That person is me.**" (Nicholas)

# Moral communication and the offence

*“[Prisoners] thus **policed anything** which they judged to be relevant to sexuality and sexual offending” (levins 2020:6)*

*“First, I contend that acts of risk assessment do not only describe reality, **they constitute, structure, and alter the reality that they purport to describe** [...] Second, while risk assessments [shape] the beliefs of parole personnel, I contend that **they also exert ontological effects** – through institutional, bureaucratic, and automatic mechanisms – that structure penalty independent of beliefs.” (Werth 2019: 328-9)*



# Moral communication and the offence

*Punishment “is a conventional device for the expression of attitudes of resentment and indignation, and of judgments of disapproval and reprobation, on the part either of the punishing authority [or of] those ‘in whose name’ the punishment is inflicted”*

*(Duff 2003: 27, quoting Feinberg 1970)*



# Complicating prison adaptation

## *Paragraph 36*

The analysis quotes research led by Professor Ben Crewe as evidence that a longer period in custody may have a beneficial impact on the sentence's rehabilitative impact. This is a wilful misinterpretation of that research, which describes the extensive and long-lasting negative impacts of prolonged incarceration both during and after the custodial period. The implication that a longer period in custody may actually be of benefit to the prisoner is disingenuous at best. What the evidence shows, and what a chronic pattern of self-harm and violence within prisons demonstrates on the ground, is the immense harm that punishment through imprisonment causes and against which the perceived benefits of using it more need to be compared.



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